

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION

EVELYN BAYO ANTONSEN,	:	
Plaintiff,	:	NO. 02-CV-2724
V.	:	
SCHOOL DISTRICT OF THE CITY OF	:	
ALLENTOWN,	:	
Defendant.	:	

DEFENDANT S ANSWER WITH AFFIRMATIVE DEFENSES
TO PLAINTIFF S COMPLAINT

Introduction

1. Denied.Denied. Denied. Paragraph 1 contains legal conclusions to which no response is required. In the event a response is required, in the event a response is required.
2. DenDenieDenied.Denied. Paragraph 2 contains legal conclusions to which no response is required. In the event a response is required. In the event a response is required. Defendant Defendant Defendant has Defendant has Defendant has repeatedly Defendant. The remaining averments in paragraph 2 are denied.

The Parties

3. Admitted.
4. Admitted.

Jurisdiction and Venue

5. Denied.Denied. Paragraph 5 contains legal conclusions to which Denied. Paragraph 5 is required. is required. In the event a response is required, paragraph 5 is required.
6. Admitted.

Administrative Proceedings

7. Admitted in part and denied in part. It is admitted only that on December 2000, Plaintiff filed charges of employment discrimination with the EEOC and the PHRC against Defendant. The averments in paragraph 7 are denied.
8. Admitted in part and denied in part. It is admitted in part and denied in part that on April 9, 2002, Plaintiff received a letter from Defendant. It is averred that said letter speaks for itself. The remaining averments in paragraph 8 are denied.

Factual Background

9. After reasonable investigation, Answering Defendant is without knowledge and information sufficient to form a belief as to the truth or falsity of the averments contained in Paragraph 9; the same are therefore denied and strict proof demanded at the time of trial.
10. After reasonable investigation, Answering Defendant is without knowledge and information sufficient to form a belief as to the truth or falsity of the averments contained in Paragraph 10; the same are therefore denied and strict proof demanded at the time of trial.
11. Admitted.
12. Admitted in part and denied in part. It is admitted in part and denied in part that Plaintiff was not hired as principal or assistant principal. It is denied that Plaintiff was hired as principal.

she was not hired as principal or assistant principal
 race and/or national origin. The remaining averments
 are denied.

13. Admitted in part and denied in part. Admitted in part and denied in part. It is admitted only that she filed charges of employment discrimination against the School District in March 1994. The remaining averments in paragraph 13 are denied.

14. Admitted.

15. Admitted in part and denied in part. It is admitted only that it was settled in or about November 1994. The remaining averments in paragraph 15 are denied.

16. Denied. After reasonable investigation, Answering without knowledge and information sufficient to form a belief as to the truth of the averments contained in Paragraph 16; the same are therefore denied and strict proof demanded at the time of trial.

17. Admitted in part and denied in part. It is admitted only that she applied for three vacancies for principals in elementary schools and one in a middle school. The remaining averments in paragraph 17 are denied.

18. Admitted in part and denied in part. It is admitted only that she was selected as a finalist for only one position. The remaining

averments in paragraph 18 are denied. Plaintiff was not the most qualified candidate for all three positions.

19. Denied. It is specifically denied that Plaintiff was as a finalist so as to limit her prospects as a finalist so as to limit her principal's job in the School District. Plaintiff was not the most qualified candidate for any of the three positions.
20. Denied. By way of further answer, any modification of District's interview and hiring procedures was not to Plaintiff's cause of action. It is found and prejudiced against Plaintiff because of Antonsen and prejudiced against Plaintiff. Averments in paragraph 20 are denied.
21. Denied. Any unlawful discrimination in hiring is specifically denied. After reasonable investigation, Answering Defendant is without knowledge and information sufficient to form a belief as to the truth or falsity of the remaining averments contained in Paragraph 21; the same are therefore denied and strict proof demanded at the time of trial.
22. Denied. It is specifically denied that Plaintiff's qualifications and experience were better than all three female candidates for the jobs. On the contrary, the candidates hired were the most qualified for the positions.

23. Denied. Denied. After reasonable investigation, Defendant School District of Columbia, without knowledge and information sufficient to establish the truth of the averments contained in Paragraph 23; the same are therefore denied and strict proof demanded at the time of trial.

COUNT I

Plaintiff v. Defendant Title VII Claims

24. Defendants incorporate through Paragraphs 23, inclusive, as fully as though the same are set forth at length.

25. Denied. Paragraph 25 contains legal conclusions to which no response is required. In the event a response is required, paragraph 25 is denied.

26. Denied. Paragraph 26 contains legal conclusions to which no response is required. In the event a response is required, paragraph 26 is denied.

27. Denied. Paragraph 27 contains legal conclusions to which no response is required. In the event a response is required, paragraph 27 is denied.

28. Denied. Paragraph 28 contains legal conclusions to which no response is required. In the event a response is required, paragraph 28 is denied.

WHEREFORE, Defendant School District of Columbia requests judgment be entered in its favor and against the Plaintiff.

COUNT II

Plaintiff v. Defendant
Violations of §1981

29. Defendants incorporate by reference their answers to the questions posed in paragraphs 27 through 28, inclusive, as fully as though the answers were set forth at length.
30. Denied. Paragraph 30 contains legal conclusions to which no response is required. In the event a response is required, paragraph 30 is denied.
31. Denied. Paragraph 31 contains legal conclusions to which no response is required. In the event a response is required, paragraph 31 is denied.
32. Denied. Paragraph 32 contains legal conclusions to which no response is required. In the event a response is required, paragraph 32 is denied.
- WHEREFORE, Defendant requests judgment be entered in its favor and against the Plaintiff.

COUNT III

Plaintiff v. Defendant
Violations of PHRA

33. Defendants incorporate by reference their answers to the questions posed in paragraphs 31 through 32, inclusive, as fully as though the answers were set forth at length.
34. Denied. Paragraph 34 contains legal conclusions to which no response is required. In the event a response is required, paragraph 34 is denied.

35. Denied.Denied. Denied. Paragraph 35 contains legal conclusions to which no response is required. In the event a response is required, paragraph 35 is required. In the event a response is required, paragraph 35 is required.
36. Denied.Denied. Paragraph 36 Denied. Paragraph 36 contains legal conclusions to which no response is required. In the event a response is required, paragraph 36 is required. In the event a response is required, paragraph 36 is required.
37. Denied.Denied. Paragraph 37 contains legal conclusions to which no response is required. In the event a response is required, paragraph 37 is required. In the event a response is required, paragraph 37 is required.

WHEREFORE, WHEREFORE, Defendant School District requests judgment be entered in its favor and against the Plaintiff.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff has not suffered loss of property. Plaintiff has not suffered loss of property. Plaintiff has not suffered loss of property. Constitution.

SECOND AFFIRMATIVE DEFENSE

Defendant School District has not established a custom, practice, or policy which has caused constitutional injury to the Plaintiff.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a cause of action under Title VII of the Civil Rights Act of 1964, as amended [Title VII], 42 U.S.C. § 2000, et. seq.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a cause of action under 42 U.S.C. § 1981.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff sPlaintiff s Complaint fails to statPlaintiff s Complaint fails to statePlaintiff s Co
Human Relations Act,43 P.S. §955, et seq.

WHEREFORE,WHEREFORE, Defendant School District of the City of AllentownWHEREFORE
requests judgment be entered in its favor and against the Plaintiff.

KING, SPRY, HERMAN, FREUND & FAUL

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